

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION

In Re: Byron McKelvey,)
SSN: XXX-XX-5261)
) Case No. 12-82865-JAC-13
)
) Chapter 13
)
Debtor(s),)

OBJECTION TO CLAIM
AND NOTICE OF OPPORTUNITY OF HEARING

Comes now the Debtor, Byron McKelvey, and hereby objects to the secured Claim #5 of Capital One N.A. c/o Bass & Associates, filed on December 7, 2012, in the amount of \$9,860.00. In support of this objection, debtor states as follows:

1. The case was filed on September 7, 2012.
2. The collateral known as a 2008 Yamaha Motorcycle was surrendered prior to the filing of this case.

WHEREFORE, THE ABOVE PREMISES CONSIDERED, Debtor respectfully requests that Capital One N.A.'s claim number 5 be disallowed as filed in this case.

NO HEARING WILL BE CONDUCTED ON THIS OBJECTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE U.S. BANKRUPTCY COURT AND A COPY SERVED ON THE PARTY FILING THIS OBJECTION AND THE CHAPTER 13 STANDING TRUSTEE WITHIN 30 DAYS FROM DATE OF SERVICE HEREOF, UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH REQUEST FOR A HEARING. IF NO RESPONSE IS TIMELY SERVED AND FILED, THE OBJECTION TO PROOF OF CLAIM AS TO INTEREST SHALL BE DEEMED UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, IT WILL BE SET FOR A HEARING BEFORE THE JUDGE ON **FEBRUARY 11, 2013** AT 9:00 A.M. AT THE FEDERAL BUILDING LOCATED AT 400 WELL STREET, IN DECATUR, ALABAMA.

Respectfully submitted,

/s/ John C. Larsen
Attorney for Debtor

OF COUNSEL:
LARSEN & SLOVER, P.C.
1733 Winchester Rd.
Huntsville, AL 35811
(256) 859-3008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing has been served upon the following by depositing copies of this objection in the United States Mail, properly addressed and postage prepaid, on this the 4th day of January, 2013.

Capital One, N.A.
Kira Meza, Claims Signatory
c/o Bass & Associates, P.C.
3936 E. Ft. Lowell Road, Suite #200
Tucson, AZ 85712

A copy was served electronically on Philip A. Geddes, Chapter 13 Trustee, on this the 4th day of January, 2012.

/s/ John C. Larsen